IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 1447 of 2005

Between:

1 Smt.Mudunuri Sitamahalaxmi, W/o.M.Venkata Satya

Krishnam Raju, R/o.Bhimavaram, W.G.District.
2 Mudunuri Krishna S/o.M.Venkata Satya Krishnam raju,
Smt.Mudunuri Sitamahalaxmi, R/o.Bhimavaram, W.G.Dist.

..... PETITIONERS

AND

1 The Commercial Tax officer, Palkol, W.G.District.
2 The District Collector, W.G.Dist. Eluru.
3 M/s. Sri Sai Constructions rep.by its Managing partner,

Sri M.V.S.Krishnam Raju, Palakol, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ order or direction of the like nature; a) Declaring the action of the 1st respondent in attaching and putting the personal properties of the petitioners herein for sale on 15-2-2005 vide its sale Notice dt.20-12-2004 and Gazette Notification dated 3-1-2005 for the due recovery of sales tax dues from the 3rd respondent from as illegal arbitrary void, *abinitio* and without jurisdiction b) consequently direct the 1st respondent herein to delete our personal properties from attachment and subsequent sale and allow the petitioners to enjoy the same and to pass such other or orders.

Counsel for the Petitioner:MR.J.KANAKAIAH
Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court made the following :

ORDER: (per Sri Justice T.Ch.Surya Rao)

The learned counsel for the petitioner seeks leave to withdraw the writ petition with liberty to file fresh writ petition.

Leave granted and the writ petition is dismissed as withdrawn, with liberty as prayed for. No order as to costs.

M.H.S.ANSARI, J.

T.CH.SURYA RAO, J.

Dt: 09-03-2005.

RNS/AVS

To

1 The Commercial Tax officer, Palkol, W.G.District.

2 The District Collector, W.G.Dist. Eluru.

3 M/s. Sri Sai Constructions rep.by its Managing partner,

Sri M.V.S.Krishnam Raju, Palakol, W.G.Dist.

4 Two CCs to G.P.for Commercial Taxes,

High Court of A.P., Hyderabad(OUT).

5 Two CD copies.